

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEC 04 2019

Eric Rogers,

Plaintiff,

—v—

Northeast Realty Properties, Inc.,

Defendant.

18-cv-10637 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

Plaintiff Eric Rogers initiated this lawsuit on November 14, 2018. Dkt. No. 1. On September 26, 2019, the parties informed the Court that “settlement ha[d] been reached in [this] case among all parties” and “respectfully request[ed] [that] a 30-day order be issued.” Dkt. No. 32. On September 30, 2019, the Court issued an order of discontinuance. Dkt. No. 34.

On November 27, 2019, the Court received a letter from Mr. Peter T. Shapiro, counsel for Defendant T.O.S.S. NYC Inc. Dkt. No. 35. He informed the Court that (1) the parties never consummated the settlement, (2) he has been unable to reach his client, and (3) he intends to file a motion to reopen this matter and withdraw as counsel.

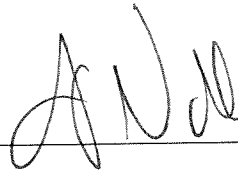
Any motion to reopen this matter is futile. The Court’s September 30, 2019 Order made clear that the deadline to seek restoration of this action was October 30, 2019. The Order expressly stated that “any application to reopen must be filed within thirty days of this Order; any application to reopen filed thereafter may be denied solely on that basis.” Dkt. No. 34 (emphasis in original). Because more than thirty days have passed since this Order, the Court will deny as untimely any motion to reopen this case due to a failure to consummate the

settlement. To the extent the parties were unable to reach final agreement, they had the opportunity to file a motion to reopen within that thirty-day window or seek an extension of the discontinuance deadline. They failed to do so, and this matter will therefore remain closed.

SO ORDERED.

Dated: December 4, 2019

New York, New York

A handwritten signature in dark ink, appearing to read 'A. J. Nathan', is written over a horizontal line.

ALISON J. NATHAN
United States District Judge